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OGC 73-1677

6 September 1973

MEMORANDUM FOR THE RECORD

SUBJECT: ICRC Meeting -- 5 September 1973

1. The Interagency Classification Review Committee (ICRC) met on 5 September 1973 with the following representatives in attendance:

Dr. James Rhoads - Acting Chairman  
David Cooke - Defense  
Os Day - NSC  
Robert Dixon - Justice  
Mark Feldman - State  
John Warner - CIA  
Charles Marshall - AEC  
James E. O'Neill - Archives

2. ANNOUNCEMENTS

(a) Dr. Rhoads introduced Mr. William Brown, who has accepted the position of Executive-Director of the ICRC. Mr. Brown has been with the Office of General Counsel, AEC.

(b) Dr. Rhoads announced that the ICRC Appeals Procedure was published on 23 August 1973 in the Federal Register.

(c) The Report of the Ad Hoc Working Group on Exemption Authority and Classification Guides was distributed. This report will be placed on the agenda for consideration at the October meeting.

### 3. MINUTES

(a) Dr. Rhoads asked for corrections to the minutes of the August meeting. Mr. Dixon requested that the first sentence of the last paragraph on page 2 be amended to read "Mr. Dixon" rather than [REDACTED]

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(b) Mr. Warner suggested that [REDACTED] correction of the July minutes at the bottom of page 2 of the August minutes needed further clarification and requested that the September minutes reflect the CIA position that the ICRC should be denied authority with respect to appeals cases relating to sources and methods throughout the intelligence community, rather than just to CIA declassification appeals cases. This suggestion was adopted.

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### 4. LETTER TO GENERAL HAIG

Dr. Rhoads asked the Committee whether it preferred his draft version of the letter to General Haig, or AEC's revision of his draft. The consensus seemed to be that the AEC version was preferred. Numerous changes suggested by CIA, State, Justice and Defense were incorporated into the AEC version. There was considerable discussion whether Haig should be asked to reconsider his decision to transfer the ICRC staff office immediately or when a permanent chairman is selected. It was finally agreed that in view of the finality of General Haig's decision, it would be more advantageous to reopen the question when a permanent chairman is appointed.

### 5. MEMORANDUM OF AGREEMENT

The Memorandum of Agreement concerning the copying of classified documents was signed by each representative. The final version incorporated the various changes suggested by CIA, Defense, State, Justice and NSC.

6. LOUIS KRUH

Mr. Dixon reported on his conversation with the Attorney General concerning the request from Louis Kruh for declassification of the 1952 Presidential document which created the National Security Agency. According to Mr. Dixon, the Attorney General felt that the document should be declassified because it was old, innocuous, and dealt only with details of organization of NSA. The Attorney General could not envision any harm to the United States as a result of declassification of this document. Justice was in favor of declassification unless more evidence could be provided than the few paragraphs discussed by [ ] at the August meeting. STAT  
The State Department noted that they would favor declassification if these specific paragraphs were deleted from the document. Mr. Warner pointed out that [ ] was only citing specific STAT  
examples and in fact CIA was opposed to public disclosure of any part of the document because methods and sources were involved. NSC, DOD and AEC agreed with Mr. Warner's position. On the question of whether the entire document should be declassified, the vote was 5 - 2 (Archives and Justice) against declassification. Another vote was taken on whether a sanitized version of the document should be declassified. This move was defeated by a 4 - 3 (Archives, Justice, State) margin.

7. KHRUSHCHEV-KENNEDY EXCHANGES

Dr. Rhoads said that Professor Bernstein had asked for a status report on his request for the Khrushchev-Kennedy exchanges during the Cuban Missile Crisis in 1962. Mr. Day reported that NSC had forwarded its recommendation for declassification but had not yet received a reply. Dr. Rhoads expressed his concern for the public image of the ICRC with regard to timeliness. Mr. Day said he would contact the Acting Chairman with a response in a few days.

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Assistant General Counsel

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